

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/23/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 05-00286JMS

CASE NAME: United States of America Vs. (01) Ross Masaki Hayashi

ATTYS FOR PLA: Beverly Wee Sameshima

ATTYS FOR DEFT: (01) Alexander Silvert

INTERPRETER:

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JUDGE: J. Michael Seabright

REPORTER: Sharon Ross

DATE: 2/23/2006

TIME: 2:21pm-3:02pm

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COURT ACTION: EP: Sentencing to Count 1 of the First Superseding Indictment-as to Defendant (01) Ross M. Hayashi -Defendant present not in Custody. Government's Motion for Downward Departure-is hereby Granted. (2:26pm-2:31pm) Defendant's Motion for Downward Departure-is hereby Denied.(2:26pm-2:31pm)

The Court adopts the presentence investigation report without change.

Court accepts the Plea Agreement.

Defendant Addresses the Court.

Sentence-

Imprisonment-30 Months

Court Recommendations- 1. Prison Facility-FDC Honolulu  
2. Prison Camp on the mainland  
3. Drug Treatment Program

Mittimus Stayed to 4/6/2006 by 2:00 p.m. Local Time. Court will allow the Defendant to self surrender to the prison facility designated by the Bureau of Prisons.

Supervised Release-4 Years.

Special Conditions of Supervised Release-

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 15 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.

No Fine.

Special Assessment-\$100.00.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss Count II of the First Superseding Indictment-is hereby Granted.

Side Bar portion of this hearing is hereby Sealed.

Submitted by Leslie L. Sai, Courtroom Manager

